

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON HAWTHORNE,

Defendant.

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CASE NO. 8:09CR81

AMENDED TENTATIVE FINDINGS

The Court has received the Revised Presentence Investigation Report ("PSR") in this case. The parties have not objected to the PSR. See Order on Sentencing Schedule, ¶ 6. The government adopted the PSR. (Filing No. 227.) The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

IN preparing this matter for sentencing, the Court notes that the PSR reflects that the Defendant was found guilty of Count VIII, a forfeiture count. However, the Magistrate Judge's recommendation that the Defendant be found guilty of Count VIII was overruled. (Filing No. 216.) Therefore, before sending the PSR to the Bureau of Prisons, the PSR should be amended to delete any references to a guilty plea to Count VIII.

IT IS ORDERED:

1. The parties are notified that my tentative findings are that the PSR should be amended to delete any references to a guilty plea to Count VIII;
2. Otherwise, my tentative findings are that the PSR is correct;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion

challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 24th day of March, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge